

# PERSONAL ASSISTANCE LEGISLATION

PLAIN LANGUAGE OVERVIEW



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## Background

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In 2023, the Ministry for Inclusion and the Voluntary Sector (MIV), alongside Aġenzija Sapport, launched Malta's Personal Assistance and Personal Budgets Reform. This aimed to build upon the Personal Assistance Scheme operated by the Agency for the past few years, and presented a roadmap, which had been subjected to a public consultation, that would lead to a system of Personal Budgets being implemented for disabled people.

The Reform aligns with Malta's obligations under Article 19 of the UN Convention on the Rights of Persons with Disabilities (UNCPRD). A linked Budgetary Measure, BM42, entitled 'Assistenti Personali' was adopted in 2024, that also mandated that a legislative package be presented as part of the wider Reform.

## Areas covered by the Proposed Laws

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The Package is made up of the following two Bills (draft laws).

### 1. Personal Assistance Bill, 2026

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This will be a completely new law and will cover the following matters related to personal assistance:

- The right to personal assistance emerging from Article 19 of the UNCPRD
- Registration by personal assistants in certain circumstances, and by associations of personal assistants
- Provision of personal assistance services by individuals and entities

- Clarification of obligations relating to training of personal assistants, and training to service users
- A Register of registered personal assistants and associations of personal assistants
- Investigations and enforcement measures in respect of personal assistants
- Anti-discrimination protections and criminal sanctions
- The possibility of further specific rules to be adopted through subsidiary legislation

## **2. United Nations Convention on the Rights of Persons with Disabilities (Amendment) Bill, 2026**

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This law will amend an existing law, the United Nations Convention on the Rights of Persons with Disabilities Act (Chapter 627 of the Laws of Malta), by adding a new section to it.

This new section will establish a legal basis for the Personal Budget Assistance Scheme (PBAS) Board. This Board is used to provide State funding to users of personal assistance services in Malta.

### **Specific Rules, Rights and Obligations**

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#### **Right to Personal Assistance**

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The main Personal Assistance Bill affirms the right to personal assistance contained in the UNCRPD.

It outlines the principle of choice and control by service users, a major tenet emerging from Article 12 of the UNCRPD, transposed through the UNCRPD Act, and General Comment No. 5 to the Convention.

Further to this principle, disabled people have the right to be supported by one or more personal assistants of their own choosing.

## Definition of Personal Assistant

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In line with the UN Convention, the Act defines a personal assistant as a natural person offering assistance, through person-directed or user-led human support, to a person with disability, as a tool for independent living.

Such assistance is meant to empower that person to live autonomously and in dignity, and to be included in all aspects of community life.

## Paid and Unpaid Work

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The Bill states that personal assistance can be either remunerated or voluntary.

In the latter case, registration is being mandated by law, in order to have rules in place holding personal assistants to account for their work. This is especially important, given that most paid personal assistance work is subsidised through Government, via a scheme operated by Aġenzija Sapport.

Requests for registration are effected by submitting required documentation to the Directorate for Disability Issues (DDI).

## Employment, Self-Employment and Associations

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Personal assistants can be employed by a service user, or else offer their services as self-employed persons.

Services could also be sourced through companies, co-operatives or social enterprises.

In order to facilitate such initiatives, the possibility of developing subsidiary legislation in respect of these persons or legal entities, in conjunction with the Ministries responsible, is envisaged, by way of reducing red tape.

The Bill additionally allows such entities, as well as registered Voluntary Organisations, to register as associations of personal assistants, if their sole aim is to provide personal assistance services.

## Training

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The Bill covers training requirements for personal assistants, including additional training for personal assistants whose duties include specialised elements such as nursing care, as well as training for service users.

## The Register

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A Register of Personal Assistants and Associations of Personal Assistants will be maintained by DDI, made publicly available, and also published annually in the Government Gazette.

## Enforcement Measures

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In terms of enforcement, the Commission for the Rights of Persons with Disability (CRPD) has a monitoring role, allowing it to initiate investigations, and also make further reference to regulatory authorities and the Police if it deems such necessary.

Registrations can be suspended, once DDI's Director is notified by CRPD that an investigation into a personal assistant, or an association of personal assistants, would have commenced, and he obtains a temporary suspension order from the Court of Magistrates. Such registrations would be re-activated should the person or entity subsequently be cleared, or the investigation dropped.

Persons found at fault would have their registration cancelled, and they would have to see out any sanctions and then wait one year before re-applying.

Cancellation would also ensue following a criminal conviction.

If a personal assistant or association of personal assistants receive a criminal sentence for minor offences not involving abuse, they could re-apply two years after seeing out their punishment.

In all other cases, they would not be able to reapply, unless their judgement is overturned.

## Non-Discrimination and Criminal Sanctions

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The Bill also makes provision for protection against discrimination on the basis of disability, against personal assistance service users, or personal assistants themselves.

Criminal penalties are additionally mandated for offences by or against personal assistants.

## Fees and Specific Rules

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Subsidiary Legislation can be adopted to set registration fees, make specific rules concerning training and specialised elements of personal assistance work, and for other ancillary or complementary matters.

## PBAS Board

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The main Bill is accompanied by a Bill amending the UNCRPD Act, giving a legal basis to the existing Personal Budget Assistance Scheme (PBAS) Board, earlier endorsed by Cabinet, and which decides on State funding for personal assistance.

## Roles of Key Entities Involved

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### Directorate for Disability Issues (DDI) – MIV

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- Registration of Personal Assistants
- Personal Budget Assistance Scheme (PBAS) Board

## Commission for the Rights of Persons with Disability (CRPD); Police

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- Investigations and Enforcement Measures

## Aġenzija Sapport

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- Procedures linked to State Funding of Personal Assistance Services
- Training, in conjunction with DDI and third parties

## How to take part in the public consultation

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A. You can complete these Questionnaires using the following links:

In English – by clicking on <https://www.surveymonkey.com/r/5TKB9LL>

In Maltese – by clicking on <https://www.surveymonkey.com/r/9Z7W6DM>

B. ALTERNATIVELY, you can send your comments by Email to: [disability.consultation.miv@gov.mt](mailto:disability.consultation.miv@gov.mt)

C. OR you can send your comments by Post to: Gregory Ellul, Directorate for Disability Issues, Ministry for Inclusion and the Voluntary Sector, 12, Marsa Central, Level 1, Il-Moll tal-Ħatab, Marsa MRS 1442

All comments must be sent by **Friday 20 February 2026, by midnight**